

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

GREGORY MCKENZIE,

Defendant.

22-cr-166 (PKC)

ORDER

CASTEL, Senior District Judge:

On February 8, 2023, defendant was sentenced principally to a term of 36 months' imprisonment. (Minute Entry; ECF 29.)


Defendant moved for a sentence reduction (ECF 33) pursuant to Amendment 821 to the Sentencing Guidelines which went into effect on November 1, 2023 and applies retroactively.

The United States Probation Department has issued a report indicating that defendant is not eligible for a sentence reduction. (ECF 34.)

Defendant is not eligible to receive a "Status Points" adjustment because he did not receive an enhancement for committing the instant offense while under a criminal justice sentence. He is not eligible for a "Zero-Points Offender" reduction because, although he had zero criminal history points, his offense conduct included "providing a firearm to an inmate of a prison." (PSR ¶ 38.) . See Guidelines § 4C1.1(7) ("possess, receive, purchase, transport, transfer, sell, or otherwise dispose of a firearm . . . in connection with the offense.")

It is hereby ORDERED that the defendant is ineligible for a sentence reduction under Amendment 821 and the motion (ECF 33) is DENIED.

SO ORDERED.

  
P. Kevin Castel  
United States District Judge

Dated: April 25, 2024  
New York, New York

COPY MAILED TO:

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